



UNITED STATES PATENT AND TRADEMARK OFFICE

MW

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,446	01/03/2001	Aditya Krishnan	SNY-P4150	3533

24337 7590 03/16/2004

MILLER PATENT SERVICES
2500 DOCKERY LANE
RALEIGH, NC 27606

EXAMINER

JASMIN, LYNDIA C

ART UNIT	PAPER NUMBER
----------	--------------

3627

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/753,446

Applicant(s)

KRISHNAN ET AL.

Examiner

Lynda Jasmin

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: the preliminary amendment has been acknowledged, however, Applicant has to provide the serial number of the related application and/or the US Patent number.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 4-8 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Hendricks et al. (6,539,548 B1).

Hendricks et al. discloses a point of sale terminal arrangement in combination with a television set-top box (220) having an internal programmed processor (via computer assisted program 264), a display coupled to the set-top box for displaying output from the set-top box (as illustrated in Figure 20), an input device suitable for providing input commands to the set-top box (via workstation 262 having suitable keyboard), a database operatively coupled to the internal programmed processor (such

as menus of airlines reservation, digital/audio program choices), the database includes a catalog of merchandise available for purchase by a consumer (such as songs in different categories of music or hit movies), catalog program means for permitting a consumer to search the database for merchandise (via a sequence of menus that a subscriber may encounter with an on-line data service).

Hendricks et al. further discloses an order entry program means for permitting a consumer to enter an order for merchandise appearing in the catalog of merchandise col. 43, lines 13-19). The display comprises a high definition television display (col. 4, lines 31-34). Further, the database resides on a storage device situated within the set-top box (via cable headend 208), and including a connection to a catalog server (via communication server), to thereby download updates of the catalog of merchandise to the database (col. 27, lines 41-57). In another feature, the database resides on a catalog server (via online data service), coupled to the set-top box via a cable television connection (via cable television system 210). Further, Hendricks includes means for receiving updates to the database on a periodic basis (col. 22, lines 5-33).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 3, 9, 11 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al., in view of Erlin (6,275,991 B1), and further in view of Tims et al. (6,151,626).

Hendricks et al. further discloses that payment can be made by entering credit card number for any purchases. However fails to disclose a swipe card reader coupled to the programmed processor to permit the consumer to enter a swipe card to effect payment.

Erlin discloses the concept of using a remote control (120), coupled to a set top box (140) and programmed processor (159), and having a swipe card reader (127) to permit a consumer to effect payment.

From this teaching of Erlin, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the payment arrangement of Hendricks et al. to include the swipe card reader taught by Erlin in order to facilitate instant payment of online service via the set top box.

The Hendricks et al. and Erlin combination fails to disclose a printer coupled to the set top box. However, Tims et al. discloses the concept of having an output device (3) (which may be a monitor or a printer coupled to a home unit (9). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hendricks et al. and Erlin combination to include the printer taught by Tims et al. in order to generate invoice.

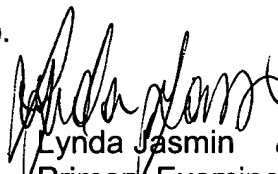
Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hendricks et al. discloses a digital cable television delivery system. Barth discloses a service on demand system having a set top box and a smart card interface with and read and decode information store on a smart card. Tsuria et al. discloses a smart card reader coupled to a set top box. Ogasawara discloses an IC card interface coupled to a set top box.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (703) 305-0465. The examiner can normally be reached on Monday- Friday (8:00-5:30) alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lynda Jasmin
Primary Examiner
Art Unit 3627 3/18/04